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PATENT  
Customer No. 22,852  
Attorney Docket No. 06882.0095-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Gary T. NEEL et al. ) Group Art Unit: 3626  
)  
Application No.: 10/764,974 ) Examiner: To Be Assigned  
)  
Filed: January 26, 2004 ) Confirmation No.: 9318  
)  
For: MEDICAL DIAGNOSTIC TESTING )  
DEVICE WITH VOICE MESSAGE )  
CAPABILITY )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of the listed non-patent literature document is attached.

The document listed in this Information Disclosure Statement was first cited in a communication from the World Intellectual Property Organization (PCT) in a counterpart foreign application and is being submitted in accordance with 37 C.F.R. § 1.97(b).

Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitute "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

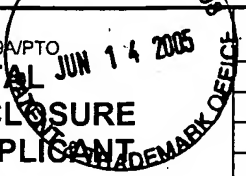
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 14, 2005

By: 

Eric P. Raciti  
Reg. No. 41,475



IDS Form PTO/SB/08: Substitute for form 1449A/PTO

**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

|       |   |    |   |                        |                  |
|-------|---|----|---|------------------------|------------------|
| Sheet | 1 | of | 1 | Application Number     | 10/764,974       |
|       |   |    |   | Filing Date            | January 26, 2004 |
|       |   |    |   | First Named Inventor   | Gary T. NEEL     |
|       |   |    |   | Art Unit               | 3626             |
|       |   |    |   | Examiner Name          | To Be Assigned   |
|       |   |    |   | Attorney Docket Number | 06882.0095-00000 |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |                          |  |  |  |   |
|---|--------------------------|--|--|--|---|
| Examiner<br>Initials                                | Cite<br>No. <sup>1</sup> | Document Number                          | Issue or<br>Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|   |                          | Number-Kind Code <sup>2</sup> (if known) |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |
|   |                          | US-                                      |  |  |   |

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**

| FOREIGN PATENT DOCUMENTS |                          |   |                                |  |  |                          |
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| Examiner<br>Initials     | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures<br>Appear | Translation <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |  |  |                          |
|                          |                          |   |                                |  |  |                          |
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|                          |                          |   |                                |  |  |                          |
|                          |                          |   |                                |  |  |                          |

| NON PATENT LITERATURE DOCUMENTS |                          |   |                          |
|---------------------------------|--------------------------|---|--------------------------|
| Examiner<br>Initials            | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
|                                 |                          | International Search Report in PCT/US2005/002203, Home Diagnostics, Inc., dated January 25, 2005.   |                          |
|                                 |                          |   |                          |
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|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.